

SPECIAL EDUCATION FUNDING, SERVICES, TRAINING & OVERSIGHT

SUMMARY:

Funding and access to the intensive support and specialized services needed to provide a Free and Appropriate Public Education (FAPE) for special education students is challenged by underfunding, understaffing and lack of adequate professional development which perpetuates an achievement gap between students with disabilities and their non-disabled peers.

Proper identification of and support for students with disabilities across all settings through increased professional development, access to curricula, and development of standardized tests and universal screeners that can accurately measure the capabilities of students with disabilities along with fully funding IDEA will give districts enhanced ability to hire staff, such as related service providers, in ratios that significantly benefit both the identification of and provision of services for students with disabilities, while also increasing staff performance and retention. When implemented with fidelity these improvements and increased access to challenging and inclusive curricula can help students with disabilities meet their full academic potential.

WHEREAS, the Individuals with Disabilities Education Act (IDEA), passed in 1975 as the “Education for All Handicapped Children Act” and amended in 1997 and 2004 and in 2015 through the Every Student Succeeds Act, is a law that provides supplemental federal funds for special education and governs how states and public agencies provide early intervention, special education, transition planning and related services to more than 7.5 million (as of school year 2018-19) eligible infants, toddlers, children, and youth who are determined to qualify under one of the thirteen eligibility categories; and

WHEREAS, Part B of IDEA authorizes Congress to contribute up to 40% of the average per pupil expenditure to support the additional costs of providing special education services, however, that pledge has gone perpetually unfulfilled, and the federal government currently provides funding for less than 15% of the extra cost of special education; and

WHEREAS, nationwide the percentage of public school students receiving special education services has increased from 8.3% in 1976 to 13.7% in 2017-2018 with the largest increase in identification being within the eligibility categories of Autism, Developmental Delay, Other Health Impairment (OHI), and Specific Learning Disabilities (SLD); and

WHEREAS, In the 2018–19 school year, about 164,000 of Virginia’s K–12 students were enrolled in special education which represents about 13 percent of the total student population; and

WHEREAS, access to the intensive one-on-one support and specialized services needed to provide a Free and Appropriate Public Education (FAPE) for special education students is heavily dependent caseload, workloads and availability of related service providers (RSP) such as; occupational therapists (OT), physical therapists (PT), speech-language pathologists (SLP), assistive technology specialists (AT), paraprofessionals, school counselors, social workers and psychologists and other specialists.

WHEREAS, Students with disabilities often do not have access to high quality curricula and services which per the 2017 Supreme Court case *Endrew F. v. Douglas County School District* decision, impacts their ability to meet appropriately challenging objectives; and

WHEREAS, Standardized tests that measure achievement are often inaccurate measures of the capabilities of students with disabilities; and

WHEREAS, Universal Design for Learning (UDL) Guidelines provide a framework to improve and optimize teaching and learning for all students in a way that is evidence-based and considers scientific insights into how humans learn and addresses the systemic barriers that result in inequitable learning opportunities and outcomes; and

WHEREAS, a study concluded in 2020 by the Virginia General Assembly Joint Legislative Audit and Review Commission¹ found that; insufficient guidance and vague terms in the state's special education eligibility criteria contributes to variances in eligibility determinations among school divisions; Individualized Education Plans that do not contain required or key information to guide special education services; graduation rates continue to lag students without disabilities; the Applied Studies Diploma limits students access future education and career opportunities; transition plans often do not include specific transition services for the student; Virginia does not prepare general education teachers or administrators with necessary special education-related skills; and VDOE's ongoing monitoring is too limited.

THEREFORE, BE IT

RESOLVED, That Virginia PTA and its constituent associations urge the United States Congress to pass legislation to provide full federal funding of the Individuals with Disabilities in Education Act; and be it further,

RESOLVED, That Virginia PTA urges the Virginia Department of Education to implement all of the recommendations made by JLARC including but not limited to revising guidance documents and requiring all teachers and IEP team members to participate in regular training on special education instruction and the development and management of individualized education programs for students with disabilities; improve transition planning and the applied studies diploma program; revise its handling of special education complaints and improve the effectiveness of supervision and monitoring of special education; and be it further

RESOLVED, That Virginia PTA and its constituent associations urges the Virginia Department of Education to provide training and certification of all teachers and administrators in

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(1) differentiating instruction for students depending on their needs, (2) understanding the role of general education teachers on the IEP team, 3) implementing effective models of collaborative instruction, including co-teaching, (4) understanding the goals and benefits of inclusive education for all students and 5) the Universal Design for Learning Guidelines of Engagement, Representation, Action & Expression to ensure that all learners can access and participate in meaningful, challenging learning opportunities; and be it further

RESOLVED, That Virginia PTA and its constituent associations encourage all stakeholders in the educational system to presume the competence of students with disabilities by supporting and providing access to appropriately challenging curricula for all students; to include classroom instruction about disability history and people with disabilities within existing inclusive curricula; and be it further

RESOLVED, That Virginia PTA and its constituent associations support the development of standardized tests and universal screeners that are normed to include students with disabilities who access these assessments using the accommodations deemed necessary by their Individualized Education Plan (IEP) teams; and be it further

RESOLVED, That Virginia PTA acknowledges the important role that related service providers have in providing a free and appropriate public education (FAPE) for students with disabilities and strongly urges funding for staffing levels determined by a workload analysis approach to support the identification of and service quality for students with disabilities, along with improved staff retention; and be it further

RESOLVED, That Virginia PTA encourages its district, council, and local units to participate when possible in their school division's state mandated Special Education Advisory Committees (SEACs) and to advocate for robust parent communication of special education programs and fidelity of implementation in all special education services and programs.

March 20, 2021, Adopted by the Virginia PTA 2020 Annual Meeting Attendees